



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

## NOTICE OF ADOPTED AMENDMENT

October 17, 2007

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Heppner Plan Amendment  
DLCD File Number 001-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: October 31, 2007**

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist  
Darren Nichols, DLCD Community Services Division Manager  
Jon Jinings, DLCD Regional Representative  
Christine Shirley, FEMA Specialist  
Dave DeMayo, City of Heppner

<paa>

FORM 2

# DLCD

## Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD  
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person  electronic  mailed

DEPT OF

OCT 12 2007

LAND CONSERVATION  
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Heppner**

Local file number:

Date of Adoption: **10/8/2007**

Date Mailed: **10/10/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **No** Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Title 13-Flood Control-new Flood Insurance Study and new Flood Insurance Map produced by FEMA adopted by the City. Updated standards for crawl spaces and critical facilities were also included.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1  2  3  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

*DLCD # 001-07 (NOA)*

**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Heppner

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Local Contact: **Dave DeMayo**

Phone: **(541) 676-9618** Extension:

Address: **P.O. Box 756**

Fax Number: **541-676-9650**

City: **Heppner**

Zip: **97836-0756**

E-mail Address: **Heppner@Centurytel.net**

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### **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **[webserver.lcd.state.or.us](http://webserver.lcd.state.or.us)**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **[mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us)**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **[mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us)** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. ~~561-07~~AN ORDINANCE AMENDING CHAPTER 13 FLOOD DAMAGE PREVENTION AND  
DECLARING AN EMERGENCY

WHEREAS, the Federal Emergency Management Agency (FEMA), recently completed a re-evaluation of the flood hazards in Heppner, Oregon. On September 29, 2006, FEMA provided a Preliminary copies of the Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) that identify existing flood hazards in your community, including Base Flood Elevations (BFEs). The proposed BFEs for this community were published in the Heppner Gazette Times, East Oregonian, and the Hermiston Herald on January 10, 2007 and January 17, 2007, and in the Federal Register, at Part 67, Volume 72, Page 5250.

WHEREAS, the statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. FEMA did not receive any appeals of the proposed BFEs during that time. Accordingly, the BFEs for Heppner, Oregon are considered final. The FIRM for Heppner, Oregon will become effective on December 18, 2007; and

WHEREAS, recent developments in Flood protection have created new standards for the sighting of critical facilities and below grade crawl spaces, these developments are hereby incorporated into the City Code.

## NOW, THEREFORE THE CITY OF HEPPNER ORDAINS AS FOLLOWS:

1. The following definitions shall be added to Section 13-1-5:

“CRITICAL FACILITY” means a facility for which even a slight chance of flooding might be too great. Critical Facilities include, but are not limited to schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.

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2. Section 13-1-6. General Provisions.

Ordinance No. 561-07

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A. The basis for Establishing the areas of Special Flood Hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Heppner, Oregon, dated December 18, 2007, with accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at Heppner City Hall, 111 N. Main Street, Heppner, Oregon.

B. The following are added to Chapter 13 of the Heppner Code:

"BASEMENT AND CRAWL SPACES" means any structure in a regulatory floodplain having its lowest level (either finished or unfinished) below ground level (subgrade) on all four sides is not permissible under local flood damage prevention ordinance requirements and the regulations governing the NFIP. Therefore, neither basements nor excavated (subgrade) crawlspaces can be constructed in the regulatory floodplain.

"CRITICAL FACILITY." Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible

3. In all other respects the provisions of Chapter 13 of the Heppner City Code remain in full force and effect.

4. Inasmuch as enforcement of this ordinance is necessary for the health, safety, and welfare of the City of Heppner, an emergency is declared to exist and this ordinance shall be in full force

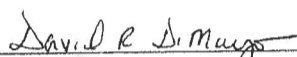
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and effect immediately upon passage by the Council and approval of the Mayor this 8th day  
of October, 2007.

APPROVED BY:

  
\_\_\_\_\_  
Mayor

ATTESTED TO:

  
\_\_\_\_\_  
City Administrator/Recorder

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Ordinance No. \_\_\_\_\_

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